REMARKS

Claim 1 has been amended and new claims 14 and 15 have been added. Claims 2 and 6-13 were previously canceled. As a result, claims 1, 3, 4, 5, 14 and 15 are pending in this application and are presented for the Examiner's consideration in view of the following comments.

Claims 1 and 3 - 5 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2004/0062398 to Unger (*Unger*) in view of U.S. Patent No. 6,662,198, to Satyanarayanan et al. (*Satyanarayanan*) in view of U.S. Patent Publication 2004/0042418 to Hamada *(Hamada)*.

Applicants disagree with the final rejection and offer amended claim 1 for the Examiner's consideration which more clearly defines Applicants' invention.

Claim 1 as amended herewith recites a method of recording scrambled digital data which comprising the following steps. Receiving a scrambled digital data stream which includes a plurality of control packets containing at least one descrambling key. The at least one descrambling key having a periodically changing value. Identifying in the data stream the plurality of control packets containing the at least one key for descrambling at least a part of the data of the stream. Storing in a table the control packets containing the at least one descrambling key when the value changes; and not storing the control packets containing the at least one descrambling key when the value has not changed. Recording the data stream and the table on a data storage medium.

As such, claim 1 now recites storing in a table only control packets containing a descrambling key which has changed value. Control packets containing the same descrambling key are not stored. In this way Applicants form a short table where each entry relates to a change of descrambling key. Thereby duplicated entries of identical values are eliminated which facilitates easy key acquisition, and minimizes table size.

With regard to *Unger*, in the Final action the Examiner admits that "Unger does not teach not storing the control packet if it is already stored."

However Applicants' claimed invention is different from *Unger* in that only changes in descrambling key values are added to the table even if the same value control packet is received numerous times. This is simply not found in *Unger*.

In the Final action the Examiner also states that: *Satyanarayanan* teaches checking a table to see if a key exists, and if it does exist, the operation will terminate, but if it does not exist it will enter data (Col 12 lines 10-20).

In particular, the Examiner points to column 12, lines 10-20 of *Satyanarayanan*, but *Satyanarayanan* has nothing to do with Applicants' claimed invention. Nowhere does *Satyanarayanan* describe, or suggest, the requirements of Applicants' claim 1. Indeed, the "key" pointed to by the Examiner is <u>for a data base</u>. Keys are unique in a data base, but the <u>data stored under them can be the same</u>. (*Satyanarayanan*, col. 12, lns. 1-9.) As such, the key of *Satyanarayanan* has nothing to do with the control packets with descrambling key recited by Applicants. Specifically, *Satyanarayanan* is not directed to Applicants' table construction which adds descrambling key values that have changed and descrambling key values that have not changed are not added. A direct consequence of Applicants' table construction is that descrambling key values are not duplicated in the table, a benefit recited in new claim 15.

In the Final action the Examiner also states that: "It would have been obvious to one of ordinary skill in the art to use the checking of Satyanarayanan with the system of Unger in order to prevent overwriting previously stored data."

In this regard, the Examiner's combination of *Unger* and *Satyanarayanan* may prevent overwriting previously stored data. However, the combination does not yield Applicants' claimed invention. In particular, *Unger* simply receives and records control packets. Neither *Unger* or *Satyanarayanan* singly, or in combination, makes any mention nor suggestion of Applicants' invention which stores a control packet and descrambling key when the key has changed but does not store when the descrambling key is unchanged.

The use of Hamada in the Final Action is believed mote in view of the amended of claim 1.

In view of the above, Applicants respectfully submit that independent claim 1 is patentable over *Unger* in view of *Satyanarayanan*. As such, respective dependent claims 3 - 5 are also in condition for allowance.

New claims 14 and 15 are directed to the advantageous results ensuing from Applicants' claim 1, and in particular to the construction of the control packet and descrambling key table.

It is believed that the objections set forth in the Final Official Action have been fully met, and reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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